

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IRENE ARCHER

Plaintiff,

v.

Case No. 1:23-cv-00655

**JESSICA VIGIL-RICHARDS,
JOHN DOE MENDOZA,
HOBERT SHARPTON, WEXFORD
HEALTH SOURCES, INC. and the
NEW MEXICO CORRECTIONS DEPARTMENT**

Defendants.

**DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT FOR THE RECOVERY
OF DAMAGES CAUSED BY THE DEPRIVATION OF CIVIL RIGHTS**

COMES NOW Defendants Hobert Sharpton, and Wexford Health Sources, Inc. in, by and through undersigned counsel, SERPE | ANDREWS, PLLC (Cody R. Rogers and Hope Pendleton), hereby submit their Answer to plaintiff's "Complaint" (Doc. 1, filed 8/8/2023), as follows:

JURISDICTION

1. The allegations contained in Paragraph No. 1 of Plaintiff's Complaint appear to contain legal conclusions to which no response is required. To the extent a response is required, Defendants Hobert Sharpton and Wexford Health Sources, Inc. (hereinafter, "Defendants Sharpton and Wexford") deny the same.
2. Defendants Sharpton and Wexford admit that venue is proper in this Court.

PARTIES

3. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 3 of Plaintiff's

Complaint and therefore deny the same.

4. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 4 of Plaintiff's Complaint and therefore deny the same.
5. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 5 of Plaintiff's Complaint and therefore deny the same.
6. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 6 of Plaintiff's Complaint and therefore deny the same.
7. Defendants Sharpton and Wexford admit that Hobert Sharpton was employed by Wexford Health Sources, Inc. and served as medical director at WNMCF. Defendants Sharpton and Wexford deny any remaining allegations or implications contained in Paragraph No.7 of Plaintiff's Complaint.
8. Defendants Sharpton and Wexford admit that Wexford Health Sources, Inc. provided medical care at WNMCF under contract with NMCD. Defendants Sharpton and Wexford deny any remaining allegations or implications contained in Paragraph No. 8 of Plaintiff's Complaint.
9. Plaintiff's allegations in Paragraph No. 9 of her Complaint appear to be legal conclusions to which no response is required. To the extent a response is required, Defendants Sharpton and Wexford deny the same.
10. Plaintiff's allegations in Paragraph No. 10 of her Complaint appear to be legal conclusions to which no response is required. To the extent a response is required, Defendants Sharpton and

Wexford deny the same.

**FACTUAL ALLEGATIONS COMMON
TO ALL CLAIMS**

11. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 11 of Plaintiff's Complaint and therefore deny the same.
12. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 12 of Plaintiff's Complaint and therefore deny the same.
13. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 13 of Plaintiff's Complaint and therefore deny the same.
14. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 14 of Plaintiff's Complaint and therefore deny the same.
15. Paragraph No. 15 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.
16. Paragraph No. 16 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

17. Paragraph No. 17 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.
18. Paragraph No. 18 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.
19. Paragraph No. 19 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.
20. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 20 of Plaintiff's Complaint and therefore deny the same.
21. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 21 of Plaintiff's Complaint and therefore deny the same.
22. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 22 of Plaintiff's Complaint and therefore deny the same.
23. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief

as to the truth or accuracy of the allegations contained in Paragraph No. 23 of Plaintiff's Complaint and therefore deny the same.

24. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 24 of Plaintiff's Complaint and therefore deny the same.

25. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 25 of Plaintiff's Complaint and therefore deny the same.

26. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 26 of Plaintiff's Complaint and therefore deny the same.

27. Paragraph No. 27 of Plaintiff's Complaint is directed toward a Defendant other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 27 of Plaintiff's Complaint and therefore deny the same.

28. Paragraph No. 28 of Plaintiff's Complaint is directed toward a Defendant other than Defendants Sharpton and Wexford, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 28 of Plaintiff's Complaint and therefore deny the same.

29. Paragraph No. 29 of Plaintiff's Complaint is directed toward a Defendant other than Defendants

Sharpton and Wexford, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 29 of Plaintiff's Complaint and therefore deny the same.

30. Paragraph No. 30 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

31. Paragraph No. 31 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

32. Paragraph No. 32 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

33. Paragraph No. 33 of Plaintiff's Complaint is directed toward Defendants other than Defendants Sharpton and Wexford, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 33 of Plaintiff's Complaint and therefore deny the same.

34. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief

as to the truth or accuracy of the allegations contained in Paragraph No. 34 of Plaintiff's Complaint and therefore deny the same.

35. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 35 of Plaintiff's Complaint and therefore deny the same.

36. Paragraph No. 36 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 36 of Plaintiff's Complaint and therefore deny the same.

37. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 37 of Plaintiff's Complaint and therefore deny the same.

38. The allegations contained in Paragraph No. 38 of Plaintiff's Complaint appear to contain legal conclusions to which no response is required. To the extent a response is required, Defendants Sharpton and Wexford deny the same.

39. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 39 of Plaintiff's Complaint and therefore deny the same.

40. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 40 of Plaintiff's Complaint and therefore deny the same.

41. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 41 of Plaintiff's Complaint and therefore deny the same.
42. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 42 of Plaintiff's Complaint and therefore deny the same.
43. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 43 of Plaintiff's Complaint and therefore deny the same.
44. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 44 of Plaintiff's Complaint and therefore deny the same.
45. Defendants Sharpton and Wexford admit that WNMCF has a long-term care unit ("LTCU") designed to provide specialized medical care. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the remainder of Plaintiff's allegations in Paragraph No. 45 of her Complaint and therefore deny the same.
46. Paragraph No. 46 of Plaintiff's Complaint is directed toward Defendants other than Defendants Sharpton and Wexford, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 46 of Plaintiff's Complaint and therefore deny the same.
47. Paragraph No. 47 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no

response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

48. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

49. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 49 of Plaintiff's Complaint and therefore deny the same.

50. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 50 of Plaintiff's Complaint and therefore deny the same.

51. Paragraph No. 51 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 51 of Plaintiff's Complaint and therefore deny the same.

52. Paragraph No. 52 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 52 of Plaintiff's Complaint and therefore deny the same.

53. Paragraph No. 53 of Plaintiff's Complaint is directed toward Defendants other than these

Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 53 of Plaintiff's Complaint and therefore deny the same.

54. Paragraph No. 54 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 54 of Plaintiff's Complaint and therefore deny the same.

55. Paragraph No. 55 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 55 of Plaintiff's Complaint and therefore deny the same.

56. Paragraph No. 56 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

57. Paragraph No. 57 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 57 of Plaintiff's Complaint and

therefore deny the same.

58. Paragraph No. 58 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 58 of Plaintiff's Complaint and therefore deny the same.

59. Paragraph No. 59 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 59 of Plaintiff's Complaint and therefore deny the same.

60. Paragraph No. 60 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 60 of Plaintiff's Complaint and therefore deny the same.

61. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 61 of Plaintiff's Complaint and therefore deny the same.

62. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 62 of Plaintiff's Complaint.

63. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a

belief as to the truth or accuracy of the allegations contained in Paragraph No. 63 of Plaintiff's Complaint and therefore deny the same.

64. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 64 of Plaintiff's Complaint and therefore deny the same.

65. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 65 of Plaintiff's Complaint and therefore deny the same.

66. Paragraph No. 66 of Plaintiff's Complaint contains legal conclusions to which no response is required. To the extent the allegations are contrary to applicable laws and statutes, Defendants deny the same.

67. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 63 of Plaintiff's Complaint and therefore deny the same.

68. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 68 of Plaintiff's Complaint.

69. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 69 of Plaintiff's Complaint.

70. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 70 of Plaintiff's Complaint.

71. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 71 of Plaintiff's Complaint

and therefore deny the same.

72. Paragraph No. 72 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 72 of Plaintiff's Complaint and therefore deny the same.

73. Paragraph No. 73 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 73 of Plaintiff's Complaint and therefore deny the same.

74. Paragraph No. 74 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 74 of Plaintiff's Complaint and therefore deny the same.

75. Paragraph No. 75 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 75 of Plaintiff's Complaint and therefore deny the same.

76. Paragraph No. 76 of Plaintiff's Complaint is directed toward Defendants other than these

Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 76 of Plaintiff's Complaint and therefore deny the same.

77. Paragraph No. 77 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 77 of Plaintiff's Complaint and therefore deny the same.

78. Paragraph No. 78 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 78 of Plaintiff's Complaint and therefore deny the same.

79. Paragraph No. 79 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 79 of Plaintiff's Complaint and therefore deny the same.

80. Paragraph No. 80 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the

truth or accuracy of the allegations contained in Paragraph No. 80 of Plaintiff's Complaint and therefore deny the same.

81. Paragraph No. 81 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 82 of Plaintiff's Complaint and therefore deny the same.

82. Paragraph No. 82 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 82 of Plaintiff's Complaint and therefore deny the same.

83. Paragraph No. 83 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 83 of Plaintiff's Complaint and therefore deny the same.

84. Paragraph No. 84 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 84 of Plaintiff's Complaint and therefore deny the same.

85. Paragraph No. 85 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 85 of Plaintiff's Complaint and therefore deny the same.

86. Paragraph No. 86 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 86 of Plaintiff's Complaint and therefore deny the same.

87. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 87 of Plaintiff's Complaint and therefore deny the same.

88. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 88 of Plaintiff's Complaint and therefore deny the same.

89. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 89 of Plaintiff's Complaint and therefore deny the same.

90. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 90 of Plaintiff's Complaint and therefore deny the same.

91. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 91 of Plaintiff's Complaint and therefore deny the same.
92. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 92 of Plaintiff's Complaint and therefore deny the same.
93. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 93 of Plaintiff's Complaint and therefore deny the same.
94. Paragraph No. 94 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 94 of Plaintiff's Complaint and therefore deny the same.
95. Paragraph No. 95 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 95 of Plaintiff's Complaint and therefore deny the same.
96. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 96 of Plaintiff's Complaint and therefore deny the same.

97. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 97 of Plaintiff's Complaint and therefore deny the same.
98. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 98 of Plaintiff's Complaint and therefore deny the same.
99. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 99 of Plaintiff's Complaint and therefore deny the same.
100. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 100 of Plaintiff's Complaint and therefore deny the same.
101. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 101 of Plaintiff's Complaint and therefore deny the same.
102. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 102 of Plaintiff's Complaint and therefore deny the same.
103. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 103 of Plaintiff's Complaint and therefore deny the same.
104. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 104 of Plaintiff's Complaint and therefore deny the same.

105. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 105 of Plaintiff's Complaint and therefore deny the same.

106. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 106 of Plaintiff's Complaint and therefore deny the same.

107. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 107 of Plaintiff's Complaint and therefore deny the same.

108. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 108 of Plaintiff's Complaint and therefore deny the same.

109. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 109 of Plaintiff's Complaint and therefore deny the same.

110. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 110 of Plaintiff's Complaint and therefore deny the same.

111. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 111 of Plaintiff's Complaint and therefore deny the same.

112. Paragraph No. 112 of Plaintiff's Complaint is directed toward Defendants other than these

Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 112 of Plaintiff's Complaint and therefore deny the same.

113. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 113 of Plaintiff's Complaint and therefore deny the same.

114. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 114 of Plaintiff's Complaint and therefore deny the same.

115. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 115 of Plaintiff's Complaint and therefore deny the same.

116. Paragraph No. 116 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

117. Paragraph No. 117 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 117 of Plaintiff's Complaint and therefore deny the same.

118. Paragraph No. 118 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 112 of Plaintiff's Complaint and therefore deny the same.

119. Paragraph No. 119 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

120. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 120 of Plaintiff's Complaint and therefore deny the same.

121. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 121 of Plaintiff's Complaint and therefore deny the same.

122. Paragraph No. 122 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

123. Paragraph No. 123 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the

truth or accuracy of the allegations and therefore deny the same.

124. Paragraph No. 124 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

125. Paragraph No. 125 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

126. Paragraph No. 126 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

127. Paragraph No. 127 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

128. Paragraph No. 128 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

129. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 129 of

Plaintiff's Complaint and therefore deny the same.

130. Paragraph No. 130 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 130 of Plaintiff's Complaint and therefore deny the same.

131. Paragraph No. 131 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 131 of Plaintiff's Complaint and therefore deny the same.

132. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 132 of Plaintiff's Complaint and therefore deny the same.

133. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 133 of Plaintiff's Complaint and therefore deny the same.

134. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 134 of Plaintiff's Complaint and therefore deny the same.

135. Paragraph No. 135 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants

Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 135 of Plaintiff's Complaint and therefore deny the same.

136. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 136 of Plaintiff's Complaint and therefore deny the same.

137. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 137 of Plaintiff's Complaint and therefore deny the same.

138. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 138 of Plaintiff's Complaint and therefore deny the same.

139. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 139 of Plaintiff's Complaint.

140. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 140 of Plaintiff's Complaint.

141. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 141 of Plaintiff's Complaint.

142. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 142 of Plaintiff's Complaint and therefore deny the same.

143. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 143 of Plaintiff's

Complaint and therefore deny the same.

144. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 144 of Plaintiff's Complaint.

145. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 145 of Plaintiff's Complaint.

146. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 146 of Plaintiff's Complaint.

147. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 147 of Plaintiff's Complaint.

148. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 148 of Plaintiff's Complaint.

149. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 149 of Plaintiff's Complaint.

150. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 150 of Plaintiff's Complaint.

151. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 151 of Plaintiff's Complaint.

152. Paragraph No. 152 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

153. Paragraph No. 153 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

154. Paragraph No. 154 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

155. Paragraph No. 155 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

156. Paragraph No. 156 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the

truth or accuracy of the allegations and therefore deny the same.

157. Paragraph No. 157 of Plaintiff's Complaint contains mere statements and not allegations, therefore, no response is required from Defendants Sharpton and Wexford. To the extent a response is required, these Defendants are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations and therefore deny the same.

158. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 158 of Plaintiff's Complaint.

159. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 159 of Plaintiff's Complaint.

**VIOLATION OF EIGHTH AMENDMENT INHUMANE CONDITIONS OF
CONFINEMENT and INADEQUATE MEDICAL CARE**
(Defendants Vigil-Richards, Mendoza and Sharpton)

160. Defendants incorporate their responses to the allegations set forth above as though fully set forth herein.

161. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 161 of Plaintiff's Complaint.

162. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 162 of Plaintiff's Complaint.

163. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 163 of Plaintiff's Complaint.

164. Paragraph No. 164 contains only legal conclusions to which no response is required. To the extent the allegations are contrary to applicable laws and statutes, Defendants deny the same.

165. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 165 of

Plaintiff's Complaint.

166. Paragraph No. 166 is directed towards a Defendant other than these Defendants. Additionally, Paragraph No. 166 contains only legal conclusions to which no response is required. To the extent a response is required, Defendants deny the same.

167. Paragraph No. 167 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 167 of Plaintiff's Complaint and therefore deny the same.

168. Paragraph No. 168 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 168 of Plaintiff's Complaint and therefore deny the same.

169. Paragraph No. 169 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 169 of Plaintiff's Complaint and therefore deny the same.

170. Paragraph No. 170 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the

truth or accuracy of the allegations contained in Paragraph No. 170 of Plaintiff's Complaint and therefore deny the same.

171. Paragraph No. 171 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 171 of Plaintiff's Complaint and therefore deny the same.

172. Paragraph 172 contains only legal conclusions to which no response is required. To the extent that a response is required, Defendants Sharpton and Wexford deny the allegations as stated.

173. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 173 of Plaintiff's Complaint.

174. Paragraph 174 contains only legal conclusions to which no response is required. To the extent that a response is required, Defendants Sharpton and Wexford deny the allegations as stated.

175. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 175 of Plaintiff's Complaint.

176. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 176 of Plaintiff's Complaint.

177. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 177 of Plaintiff's Complaint.

178. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a

belief as to the truth or accuracy of the allegations contained in Paragraph No. 178 of Plaintiff's Complaint.

179. Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 179 of Plaintiff's Complaint.

180. Defendants Sharpton and Wexford deny the allegations contained in Paragraph no. 180 of Plaintiff's Complaint.

181. Defendants Sharpton and Wexford deny the allegations contained in Paragraph no. 181 of Plaintiff's Complaint.

182. Defendants Sharpton and Wexford deny the allegations contained in Paragraph no. 182 of Plaintiff's Complaint.

183. Defendants Sharpton and Wexford deny the allegations contained in Paragraph no. 183 of Plaintiff's Complaint.

184. Defendants Sharpton and Wexford deny the allegations contained in Paragraph no. 184 of Plaintiff's Complaint.

**VIOLATION OF EIGHTH AMENDMENT INHUMANE CONDITIONS OF
CONFINEMENT and INADEQUATE MEDICAL CARE**
(Defendants Vigil-Richards, Mendoza and Sharpton)

185. Defendants Sharpton and Wexford incorporate their responses to the allegations set forth above as though fully set forth herein.

186. Paragraph No. 186 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the

truth or accuracy of the allegations contained in Paragraph No. 186 of Plaintiff's Complaint and therefore deny the same.

187. Paragraph No. 187 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 187 of Plaintiff's Complaint and therefore deny the same.

188. Paragraph No. 188 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 188 of Plaintiff's Complaint and therefore deny the same.

189. Paragraph No. 189 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 189 of Plaintiff's Complaint and therefore deny the same.

190. Paragraph No. 190 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 190 of Plaintiff's Complaint and therefore deny the same.

191. Paragraph No. 191 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 191 of Plaintiff's Complaint and therefore deny the same.

192. Paragraph No. 192 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 192 of Plaintiff's Complaint and therefore deny the same.

193. Paragraph No. 193 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 193 of Plaintiff's Complaint and therefore deny the same.

194. Paragraph No. 194 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 194 of Plaintiff's Complaint and therefore deny the same.

195. Paragraph No. 195 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants

Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 195 of Plaintiff's Complaint and therefore deny the same.

196. Paragraph No. 196 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 196 of Plaintiff's Complaint and therefore deny the same.

197. Paragraph No. 197 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 197 of Plaintiff's Complaint and therefore deny the same.

198. Paragraph No. 198 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 198 of Plaintiff's Complaint and therefore deny the same.

199. Paragraph No. 199 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 199 of Plaintiff's Complaint and

therefore deny the same.

200. Paragraph No. 200 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 200 of Plaintiff's Complaint and therefore deny the same.

201. Paragraph No. 201 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 201 of Plaintiff's Complaint and therefore deny the same.

202. Paragraph No. 202 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 202 of Plaintiff's Complaint and therefore deny the same.

203. Paragraph No. 203 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 203 of Plaintiff's Complaint and therefore deny the same.

204. Paragraph No. 204 of Plaintiff's Complaint is directed toward Defendants other than these

Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 204 of Plaintiff's Complaint and therefore deny the same.

205. Paragraph No. 205 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 205 of Plaintiff's Complaint and therefore deny the same.

206. Paragraph No. 206 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 206 of Plaintiff's Complaint and therefore deny the same.

207. Paragraph No. 207 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 207 of Plaintiff's Complaint and therefore deny the same.

208. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 208 of Plaintiff's Complaint.

VIOLATION OF REHABILITATION ACT
(Defendant New Mexico Corrections Department)

209. Defendants incorporate their responses to the allegations set forth above as though fully set forth herein.

210. Paragraph No. 210 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 210 of Plaintiff's Complaint and therefore deny the same.

211. Paragraph No. 211 of Plaintiff's Complaint is directed toward Defendants other than these Defendants, therefore, no response is required. To the extent a response is required, Defendants Sharpton and Wexford are without sufficient knowledge or information to form a belief as to the truth or accuracy of the allegations contained in Paragraph No. 211 of Plaintiff's Complaint and therefore deny the same.

NEGLIGENT PROVISION OF MEDICAL CARE
(Defendants Wexford Health and Sharpton)

212. Defendants incorporate their responses to the allegations set forth above as though fully set forth herein.

213. Defendants Sharpton and Wexford admit that Wexford Health was contracted by NMCD to provide medical care to inmates housed at WNMCF. Defendants Sharpton and Wexford deny any remaining allegations or implications contained in Paragraph No. 213 of Plaintiff's Complaint.

214. Defendants Sharpton and Wexford admit the allegations contained in Paragraph No. 214 of Plaintiff's Complaint.

215. The allegations contained in Paragraph No. 215 of Plaintiff's Complaint appear to contain legal conclusions to which no response is required. To the extent a response is required, Defendants Sharpton and Wexford deny the same.

216. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 216 of Plaintiff's Complaint.

217. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 217 of Plaintiff's Complaint.

218. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 218 of Plaintiff's Complaint.

219. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 219 of Plaintiff's Complaint.

220. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 220 of Plaintiff's Complaint.

221. Defendants Sharpton and Wexford deny the allegations contained in Paragraph No. 221 of Plaintiff's Complaint.

222. The allegations contained in Paragraph No. 222 of Plaintiff's Complaint appear to contain legal conclusions to which no response is required. To the extent a response is required, Defendants Sharpton and Wexford deny the same.

JURY DEMAND

No response is required as to Plaintiff's jury demand, to the extent a response is required.

WHEREFORE, Defendants Sharpton and Wexford deny that Plaintiff is entitled to any of the

relief requested in paragraph nos. 1-4 of the “**WHEREFORE**” clause following the jury demand.

Defendants deny all allegations contained in plaintiff’s Complaint that are not specifically admitted herein.

AFFIRMATIVE DEFENSES

1. Plaintiff’s Complaint, in whole or in part, fails to state a claim upon which relief may be granted.
2. Plaintiff’s claims are barred to the extent they violate the applicable statute of limitations.
3. Plaintiff’s claims are barred, in whole or in part, by the limitations contained in the Prison Litigation Reform Act.
4. This Court does not have subject matter jurisdiction over Plaintiff’s claims based on Plaintiff’s failure to exhaust her administrative remedies as required by NMSA 1978, §33-2-11(B).
5. Plaintiff’s claims for monetary relief are barred to the extent that plaintiff has failed to mitigate her asserted damages.
6. One or more of plaintiff’s claims are barred, in whole or in part, by the doctrine of estoppel.
7. One or more of plaintiff’s claims are barred, in whole or in part, by the doctrine of unclean hands.
8. At no time did Defendants violate any of the rights, privileges or immunities of plaintiff secured pursuant to the bill of rights of the Constitution of New Mexico.
9. Defendants’ act(s) and/or omission(s), if any, did not proximately cause plaintiff’s alleged injuries and/or damages.
10. To the degree plaintiff is asserting injuries or damages, those injuries or damages were wholly, or in part, the result of plaintiff’s own acts or omissions and/or other intervening causes.
11. Defendants acted in good faith at all times.

12. Defendants reasonably relied on the representations of others, including Plaintiff.
13. The care and treatment provided was in accord with the skill and care ordinarily used by health care providers under similar circumstances, giving consideration to the circumstances and locality involved.
14. Plaintiff cannot show that she has compensable damages that were proximately caused by any action or failure to act by Defendants.
15. Plaintiff's alleged injuries occurred in a manner that could not reasonably be foreseen by Defendants Sharpton and Wexford and, therefore, Plaintiff is precluded from recovering against these Defendants.
16. Punitive damages are barred by the New Mexico Tort Claims Act.
17. Excessive punitive damages are barred by the United States Constitution.
18. Plaintiff's Complaint fails to state facts sufficient to justify an award of punitive damages. An award of punitive damages against Wexford will violate the due process clause of the Fourteen Amendment to the United States Constitution and Article II, Section 18, of the New Mexico Constitution.
19. Defendants reserve the right, pursuant to Fed. R. Civ. P. 15 and 16, to raise any additional affirmative defenses as discovery may reveal in the course of this case.

CONCLUSION

WHEREFORE, having thus answered Plaintiff's Complaint, Defendants request that the Complaint be dismissed with prejudice, for its costs and fees incurred herein, and for such other relief as appears just and appropriate.

Respectfully submitted,

SERPE | ANDREWS, PLLC

By /s/ Cody R. Rogers
Cody R. Rogers
Hope Pendleton
2540 El Paseo Road, Suite D
Las Cruces, NM 88001
Tel. (575) 288-1453
crogers@serpeandrews.com
hpendleton@serpeandrews.com
Attorneys for Defendants

Certificate of Service

I hereby certify that on September 11, 2023, a copy of the foregoing was delivered electronically to all counsel of record via this Court's CM/ECF filing and service system.

/s/ Cody R. Rogers
Cody R. Rogers
SERPE | ANDREWS, PLLC